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10/072,421	02/05/2002	Mei Chuah	426882005100	2981

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EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 05/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental Office Action Summary

Application No. 10/072,421	Applicant(s) Chuah
Examiner Daniel Felten	Art Unit 3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Mar 11, 2003

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-46 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-46 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) Other: _____

DETAILED ACTION

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4 1. This is a *Supplemental Office Action* in response to the Request to Withdraw Finality
5 of the Office Action mailed February 21, 2003 under MPEP 706.07 (A).

6
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8 ***Response to Arguments***

9
10 2. Applicant's arguments with respect to the finality status of the Office Action mailed
11 February 21, 2003 has been considered. Upon further review of MPEP 706.07 (A) the
12 examiner agrees with applicant's assessment of Office Action and hereby rescinds the finality
13 of the February 21 Office Action. It should be understood that the examiner maintains the 35
14 USC § 103 of the February 21 Office Action rejection which is presented below for the
15 applicant's convenience.

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17
18 ***Claim Rejections - 35 USC § 103***

19 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
20 obviousness rejections set forth in this Office action:

21 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
22 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
23 are such that the subject matter as a whole would have been obvious at the time the invention was made to a

1 person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
2 negated by the manner in which the invention was made.

3

4 4. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall
5 (US 5,675,746) in view of Hatori et al (hereinafter "Hatori", US 5,977,974).

6

7 **Regarding Claims 1, 11, 20, 28, 35 and 41:**

8 Marshall discloses in claims 1, 11, 20, 28, 35 and 41 a method to generate a display (see
9 Marshall, figs 3A-D), on a display device (see Marshall, *screen display*, col. 13, ll. 28-51),
10 representing investments in a plurality of industries (see Marshall, col. 5, ll. 5-20; and col. 6, ll.
11 15-21), comprising:

12 allocating a plurality of *linear* portions of the display device to correspond to a plurality
13 of separate industries (see Marshall col. 6, 15-21) ;

14 allocating a sub-portion of each *linear* portion to a sub-industry of the industry to which
15 that portion corresponds (see col. 6, ll. 21-24; and col. 12, ll. 36-47) ; and

16 within the sub-portion, displaying a shape for each venture capital portfolio company in
17 that sub-industry , wherein the shapes are arranged in a polygon, including determining the
18 spatial relationship among the shapes in the polygon based on a particular characteristic
19 associated with the portfolio companies (see Marshall, col. 6, ll. 23-50);

20 also as in claim 20, allocating a plurality of portions of the display to correspond to a
21 plurality of separate *time* segments (see Marshall, col. 11, ll. 30-55);

22 also as in claim 28, allocating a plurality of portions of the display to correspond to a
23 plurality of separate *ranges* of a first characteristic (see Marshall, *configure*, col. 6 , ll. 10-50)

1 Marshall fails to disclose the generated display as spirals representing *venture capital*
2 investments.

3 Hatori discloses an apparatus and method for spatially and temporally displaying a
4 plurality of data items (*display icons--metaphors*) in a display window on a display screen as (or
5 within) a spiral (see Hatori, Abstract; col. 5, ll. 16+).

6 Marshall discloses a method wherein the user utilities a virtual reality world to create and
7 manipulate icons (*metaphors*) to visually represent various aspects of real time financial data
8 through changes in their shapes, colors, positions, animations and textures (see Marshall, col. 6,
9 ll. 10 to col. 7, ll. 30). It would have been obvious for an artisan of ordinary skill in the art to
10 employ the teachings of arrangement of data items in a spiral, as disclosed by Hatori, because an
11 artisan at the time of the invention would have considered various methods to spatially represent
12 and communicate the various financial information in the absence of unobvious and unexpected
13 results. Therefore, to display icons in an animated spiral, as disclosed by Hatori, would
14 constitute an alternative method of representing various aspects financial/industry data well
15 within the ordinary skill in the art.

16 Furthermore, it would have been obvious for an artisan of ordinary skill at the time of the
17 invention to recognize that a subgroup in any growing industry will be portions which represent
18 small start-up companies which provide investors with investment opportunities to get in on the
19 “ground floor” of a new company before it becomes a large, well sought after, company. Thus
20 for an artisan to modify Marshall’s invention so that the display represents venture investments
21 would be considered an art recognized equivalent to the other industrial and financial
22 investments Marshall discloses, and thus an obvious expedient well within the ordinary skill in

1 the art.

2

3 **Regarding Claim 2, 12:**

4 The method of claim 1, wherein:

5 the step of allocating a sub-portion of each portion includes allocating a plurality of sub-portions,
6 each sub-portion allocated to a separate sub-industry of the industry allocated to that portion (see
7 Marshall col. 6, ll. 14-49).

8

9 **Regarding Claim 3, 13:**

10 The method of claim 2, wherein:

11 the step of allocating the plurality of sub-portions includes arranging the subportions according to
12 a characteristic of the sub-industries to which the sub-portions are allocated (see Marshall col. 6,
13 ll. 21-22).

14

15 **Regarding Claim 4, 14:**

16 The method of claim 1, wherein:

17 the particular characteristic is a first particular characteristic; and
18 the shape displaying step includes displaying each shape with an indication of a second particular
19 characteristic (see Marshall col. 6, ll. 14-49).

20

21 **Regarding claim 5-8, 10, 15-18:**

1 the first particular characteristic is an amount of time since the venture capital portfolio
2 company was seeded; and the second particular characteristic is total venture capital investment
3 for that company as of a particular time (see Marshall, col 11, ll. 29-55; col. 6, ll. 10-50; col. 4,
4 ll. 55-63; and col. 11, 29-45).

5

6 **Regarding Claim 9, 19:**
7 the indication with which each shape is displayed in the shape displaying step includes color (see
8 Marshall, col. 6, ll. 10-50).

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12 **Regarding Claim 21:**
13 the characteristic includes a return on investment measurement for the venture capital (see
14 explanation on claim 1).

15

16 **Regarding Claim 22:**
17 the step of displaying an indication of a value of a characteristic of the venture capital firm
18 includes displaying a rectangle having a length based on the value of the characteristic (see
19 explanation on claim 1).

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Regarding Claim 23:
the characteristic includes return on investment (see explanation on claim 1).

1 Regarding Claim 24:

2 the characteristic is a first characteristic; the method further comprises displaying the rectangle
3 with a color based on a second characteristic of the venture capital firm (see explanation on claim
4 1).

5

6 Regarding Claim 25:

7 the step of displaying an indication of a value of a characteristic of the corresponding venture
8 capital investments includes displaying a shape having a color based on the value of the
9 characteristic (see explanation on claim 1).

10

11 Regarding Claim 26:

12 the plurality of portions are first portions, and the at least one venture capital investment
13 firm is a first venture capital firm; and the method further comprises allocating a plurality of
14 second portions of the display to correspond to the plurality of time segments; and

15 at each of the plurality of second portions, displaying an indication of a value of the first
16 characteristic of at least one second venture capital firm in the time segment to which that second
17 portion corresponds (see explanation on claim 5).

18

19 Regarding Claim 27:

20 wherein the first portion corresponding to a particular one of the time segments is adjacent to the
21 second portion corresponding to the particular one of the time segments (see explanation on
22 claim 5).

1 Regarding Claim 29:

2 The method of claim 28, wherein: the first characteristic includes time (see explanation on claim
3 5).

4

5 Regarding Claim 30:

6 the step of displaying an indication of a value of the second characteristic of the object includes
7 displaying a rectangle having a length based on the value of the second characteristic (see
8 explanation on claim 1).

9

10 Regarding Claim 31:

11 displaying the rectangle having a color based on the value of a third characteristic of the object.
12 the step of displaying an indication of a value of the second characteristic of the corresponding
13 object includes displaying a shape having a color based on the value of the second characteristic
14 (see explanation on claim 1).

15

16 Regarding Claim 33:

17 the plurality of portions are first portions, and the at least one object is a first object; and
18 the method further comprises

19 allocating a plurality of second portions of the display to correspond to the plurality of
20 separate ranges of the first characteristic; and

1 at each of the plurality of second portions, displaying an indication of a value of the
2 second characteristic of at least one second object in the range of the first characteristic to which
3 that second portion corresponds (see explanation on claim 1).

4

5 **Regarding Claim 34:**
6 the first portion corresponding to a particular one of the time segments is adjacent to the second
7 portion corresponding to the particular one of the time segments (see explanation on claim 5).

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13 **Regarding claim 36:**
14 the first shapes are rectangles; and the second shapes are rectangles (see explanation on claim 1).

15

16 **Regarding Claim 37:**
17 The method of claim 35, wherein: the first shapes are rectangles; and each first shape indicates
18 the number of associated venture capital firms by the length of that rectangle (see explanation on
19 claim 1).

20

21 **Regarding Claim 38:**

1 The method of claim 35, wherein: the second shapes are rectangles; and each second shape
2 indicates the value of the second particular characteristic by the length of that rectangle (see
3 explanation on claim 1).

4

5 **Regarding Claim 39:**
6 each first shape indicates the number of associated venture capital firms by the length of the
7 rectangle that is that first shape; each second shape indicates the value of the second particular
8 characteristic by the length of the rectangle that is that second shape; and the lengths of the
9 rectangles that are the second shapes are perpendicular to the lengths of the rectangles that are the
10 first shapes (see explanation on claim 1).

11

12 **Regarding Claim 40:**
13 second shape indicates a third particular characteristic of that venture capital firm by the color of
14 the second shape (see explanation on claim 1).

15

16 **Regarding Claim 42:**
17 The method of claim 41, wherein: the first shapes are rectangles; and the second shapes are
18 rectangles (see explanation on claim 1).

19

20 **Regarding Claim 43:**
21 The method of claim 41, wherein: the first shapes are rectangles; and

1 each first shape indicates the number of associated objects by the length of that rectangle (see
2 explanation on claim 1).

3

4 **Regarding Claim 44:**

5 the second shapes are rectangles; and each second shape indicates the value of the second
6 particular characteristic by the length of that rectangle (see explanation on claim 1).

7

8 **Claim 45:**

9 each first shape indicates the number of associated objects by the length of the rectangle that is
10 that first shape;

11 each second shape indicates the value of the second particular characteristic by the length of the
12 rectangle that is that second shape; and

13 the lengths of the rectangles that are the second shapes are perpendicular to the lengths of the
14 rectangles that are the first shapes (see explanation on claim 1).

15

16 **Claim 46:**

17 the second shape indicates a third particular characteristic of that object by the color of the
18 second shape (see explanation on claim 1).

19

20

21

22

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner
should be directed to **Daniel S. Felten** whose telephone number is (703) 305-0724. The
examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.
Any inquiry of a general nature relating to the status of this application or its proceedings should
be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor
Vincent Millin whose telephone number is (703) 308-1065.

6. Response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

for formal communications intended for entry, or (703) 305-0040, for informal or draft
communications, please label "Proposed" or "Draft".

Communications via Internet e-mail regarding this application, other than those under 35
U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
addressed to [\[daniel.felten@uspto.gov\]](mailto:[daniel.felten@uspto.gov]).

All Internet e-mail communications will be made of record in the application file. PTO
employees do not engage in Internet communications where there exists a possibility that
sensitive information could be identified or exchanged unless the record includes a properly
signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly

Serial Number: 10/072,421

Art Unit: 3624

Applicant(s): Chuah (705/36)

Representative: Hodes (38,185)

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1 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
2 Trademark on February 25, 1997 at 1 195 OG 89.

3

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5

DSF

April 28, 2003



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